

Department of Public Health
and Human Services

Section:
HOUSEHOLD COMPOSITION

FOOD STAMP PROGRAM

Subject:
Student Status

Supersedes: FS 201-5 (04/01/06), Bulletin FS 045 (07/07/06)

References: 7 CFR 273.5(a), (b) and (c), 273.11(d), 273.9(c)(3)

GENERAL RULE -- An individual who is enrolled at least half time in an institution of higher education shall be ineligible to participate in the Food Stamp Program unless the individual qualifies for one of the exemptions listed in this section. This includes an individual enrolled in an institution of higher education and taking courses online through the Internet.

INSTITUTION OF HIGHER EDUCATION

An individual is considered enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

Colleges or universities normally require diplomas or certificates but allow exceptions for some students who are not high school graduates to enroll in classes. These institutions are still considered institutions of higher education.

Individuals who met eligible student criteria during the regular school year and are expected to meet criteria in the fall, continue to be considered eligible students during school breaks, including summer, *if* the individual continues to meet student eligibility (e.g., employed, has a dependent, etc.).

EXCEPTION: Eligibility based on participation in a state or federally funded work study does not continue between terms when there is a break of a full month or longer unless the student is participating in a work study position during the break.

MEALS ON CAMPUS

If more than half of the student's meals per day are provided by the institution (e.g., meal ticket), he/she is not eligible to participate in the Food Stamp Program. This includes students living on or off campus who buy a meal ticket from the institution when the amount of the purchased meal ticket equals more than half of their meals each day. It does not matter if the purchase of the meal ticket is required or by choice. If a student eats or purchases more than 50 percent of his/her meals on campus, he/she is not eligible for participation in the Food Stamp Program.

The OPA Case Manager must discuss with the student the number of meals the student anticipates eating/purchasing on campus and determine whether or not the number of meals purchased exceeds 50 percent of the three meals daily in any given month.

ELIGIBLE STUDENTS

The following students are **not** required to meet the special student eligibility criteria listed on Pages 3-5:

1. Under the age of 18 years old (through the month the individual turns 18 years old);
2. Age 50 or older (effective the month the individual turns 50);
3. Physically or mentally unfit;

NOTE: If mental or physical unfitness is claimed and the unfitness is not evident, verification may be required. Verification may consist of:

- a. receipt of temporary or permanent disability benefits issued by governmental or private sources; **or**,
- b. a statement from a physician or licensed or certified psychologist.

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NOTE: The OPA Case Manager should clearly solicit a statement from the source that indicates the individual is unable to work an average of 20 hours a week and the approximate length of time the individual will be unable to work an average of 20 hours a week. Restrictions on working do not mean the individual is unable to work.

4. Attending high school or working to obtain a GED;
5. Participating in an on-the-job training program where the employer pays the participant wages. The number of hours working is not a consideration.

A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer.

Example: An individual is in a program that requires class attendance full-time at an institution of higher education for 10 weeks and subsequent training by an employer for an additional 10 weeks. Only the latter 10-week period is considered participation in an on-the-job training program. During the 10-week period he/she attends class he/she is considered a student and needs to meet eligible student criteria.

NOTE: Student teaching is part of a college curriculum and does not qualify as on-the-job training. Therefore, these students need to meet one of the seven criteria listed on Pages 3-5 of this manual section in order to be an eligible student.

6. Enrolled less than half-time (as defined by the institution); **or**,
7. Enrolled full-time, in schools or training programs that are not considered institutions of higher education.

Although these individuals do not need to meet student criteria, their educational income must be evaluated when determining eligibility and calculating benefits.

ELIGIBLE STUDENT CRITERIA All students age 18 through 49 enrolled AT LEAST half time (as defined by the institution) in an institution of higher education, who do not meet any exception on Pages 2-3 of this section, must be evaluated to determine their eligibility to receive food stamp benefits.

A student who is **eligible** to participate in the Food Stamp Program is a student who meets at least one of the following criteria:

1. Employed a minimum of 20 hours per week and paid for such employment. If an individual is self-employed, he/she must be employed at least 20 hours per week **and** earning at least the federal minimum wage multiplied by 20.

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NOTE: Work hours can be averaged to make a determination that the student is working an average of 20 hours per week.

2. Participating in a state or federally financed work study program during the regular school year. The number of work study hours per week is not a consideration.

The student must be approved for work study at the time he/she applies for food stamps, the work study must be approved for the

school term, and the student must anticipate actually working during that time.

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NOTE: If the school does not have enough available work study sites to cover all students approved for work study but it anticipates a site will be available during the school term, verification of the date or approximate date a site will be available is needed. If the school is not able to verify when a site will be available, the student does not meet the criteria of participating in a state or federally financed work study program during the regular school term.

If a work study job does not materialize during the school year, an over issuance claim would not be established unless the student provided wrong or misleading information.

Student eligibility based on work study begins the month the school term starts or the month the work study is approved, whichever is later. The exemption continues until the end of the month the school term ends or until it becomes known that the student has refused a work study assignment.

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The exemption does not continue between terms when there is a break of a full month or longer unless the student is participating in a work study position during the break.

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If a student exhausts work study hours and continues working, the income received is no longer considered excluded educational income (coded 'WS' on the EAIN screen), but is countable wages (coded 'WA' on EAIN screen). Eligibility based on participation in work study ends. The student must now be working an average of 20 hours a week or meet other criteria in order to remain an eligible student.

3. Responsible for the care of a dependent household member under the age of 6.

NOTE: This exemption only applies if the student in question is responsible for providing the majority of child care for children in the household under age 6.

No more than one adult can claim a child. If the household has three children under the age of 6 and three adults, all adults could be eligible students. Relationship to the child is not a consideration. However,

TEAMS case notes must clearly document which adult is caring for which child.

4. Responsible for the care of a dependent household member who has reached the age of 6, but is under age 12 and the OPA Case Manager has determined adequate child care is not available to allow the student to *attend class and*:

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- a. work an average of 20 hours per week; **or**,
- b. participate in a state or federally funded work study program during the regular school year.

NOTE: Only one adult can claim a child.

5. A single parent, enrolled in an institution of higher education on a full-time basis (as determined by the institution), which is responsible for the care of a dependent child under age 12.
 - a. Applies when only one natural, adoptive or stepparent (regardless of marital status) is in the same food stamp household as the child.
 - b. If no natural, adoptive or stepparent is in the same food stamp household as the child, another full-time student in the same food stamp household as the child may qualify for eligible student status under this provision if he/she has parental control over the child and is not living with his or her spouse.
6. An **individual** receiving or authorized to receive TANF cash assistance, Tribal TANF, or SSI benefits.

NOTE: If an individual is disqualified from TANF cash assistance or Tribal TANF, he/she loses eligible student status unless they meet another eligible student category.

7. Assigned to or placed in an institution of higher education through or in compliance with:
 - a. a program under the Work Investment Act (WIA);
 - b. a program under the Trade Adjustment Act (TAA) program administered by the Department of Labor; or,

- c. an employment and training program for low-income households that is operated by a state or local government (e.g., when Vocational Rehabilitation retrain individuals by sending them to college).

**≥CASE NOTE
DOCUMENTATION**

The OPA Case Manager must document in a case note the criteria met and the verification used to determine eligible student status.

**INCOME AND
RESOURCES OF
AN ELIGIBLE
STUDENT**

The income and resources of an eligible student are countable. The eligible student is coded 'IN' on FS SEPA screen.

**INCOME AND
RESOURCES OF
AN INELIGIBLE
STUDENT**

Resources of an ineligible student are not considered when determining eligibility or level of benefits of the household. The income of an ineligible student living with a household is not considered in determining eligibility or level of benefits of the household unless the student makes money available to other household members. The ineligible student is coded 'OU' on FS SEPA screen.

When an ineligible student makes money available from a countable source to other household members, it is countable unearned income to the household; code 'CO' on UNIN TEAMS screen against the person receiving money.

**EXPENSES OF AN
ELIGIBLE STUDENT**

Deductible expenses of eligible students are allowed in determining the food stamp benefit level.

**≥EXPENSES OF AN
INELIGIBLE
STUDENT**

If an ineligible student shares expenses with an eligible household member(s), the amount actually paid by or billed to the eligible household member(s) is allowed as a deduction.

EXCEPTION: If an ineligible student shares utility expenses with an eligible household member, the eligible household member is entitled to the full appropriate mandatory utility allowance (FS 602-4).

The OPA Case Manager must discuss with the household who is responsible for household expenses and clearly document in case notes.

Example 1: A household consists of mom, dad, and their child. Dad is an ineligible student and makes all of his earnings available to mom and child. Mom is responsible for the household expenses. The money dad makes available to mom is counted as unearned income, and mom is allowed the deductible expenses.

Example 2: A household consists of mom, dad, and their child. Dad is an ineligible student and makes all of his earnings available to mom and their child; however, he is responsible for the household expenses. The money dad makes available to mom is counted as unearned income, and mom is not allowed any expenses.

Example 3: A household consists of mom, dad, and their child. Dad is an ineligible student and does not make any of his earnings available to mom and their child but is responsible for half of the household expenses. Mom receives monthly income of her own and is responsible for the other half of the household expenses. The only countable income for mom is her own income. Mom is allowed half of the deductible expenses and is entitled to the full appropriate mandatory utility allowance.

Example 4: A household consists of mom, dad, and their child. Dad is an ineligible student and deposits all of his earnings into a joint checking account with mom. Dad's net earnings are counted as unearned income to mom. The monthly expenses are paid from the joint account. The expenses cannot be differentiated, so they are prorated evenly between dad and mom. Mom is entitled to the full appropriate mandatory utility allowance.

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Example 5: A household consists of mom and two children. Mom is an ineligible student. The household's income is child support and is coded against each child. The rent and utility expense must be coded against the child(ren) in order for the household to receive the shelter deductions.

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